

FILING AND CONFIRMATION OF CHAPTER 13 PLAN

(a) Chapter 13 plan and schedules filed with petitions

(1) Applicability.

When the chapter 13 plan and all other schedules and statements are filed with the bankruptcy petition, as identified in [LBR 2002.3](#), an accelerated confirmation process is available provided the requirements set forth herein in subpart (a) are satisfied.

(2) Notice to creditors.

The BNC shall send to the debtor, debtor's attorney, the trustee, and all creditors and parties in interest, a notice that advises them of the provisions of this rule. This notice shall be sent at the same time as, and may be incorporated within, the notice of the § 341(a) meeting of creditors. The clerk shall schedule a confirmation hearing date, in the event an actual hearing is required under this rule, and provide notice of the date on the notice of the § 341(a) meeting of creditors.

(3) Objections to confirmation of the plan.

Any objection to the confirmation of the plan must be in writing and filed with the clerk, the trustee, debtor, and debtor's attorney prior to or on the date of the scheduled § 341(a) meeting of creditors, or within seven (7) days thereafter. An objection to confirmation must set forth with specificity the grounds for objection and is governed by [Fed. R. Bankr. P. 9014](#).

(4) Confirmation of plan without objection.

Where no objection to confirmation of a chapter 13 plan is filed within the time limits established by this rule, then a judge, without hearing, may enter an order confirming the plan.

(b) Chapter 13 plan and schedules not filed with petition.

(1) Objections to confirmation of the plan.

When the chapter 13 plan and all other schedules and statements are not filed with the petition, as identified in LBR 2002.3, any objections to confirmation of the plan must be in writing and filed with the clerk, the trustee, debtor and debtor's attorney no later than seven (7) days prior to the time set for the confirmation hearing. An objection to confirmation must set forth with specificity the grounds for objection and is governed by [Fed. R. Bankr. P. 9014](#).

(2) Notice of hearing

When the chapter 13 plan and all statements are not filed with the petition, as identified in [LBR 2002.3](#), the notice of hearing of confirmation required by [LBR 2002.3\(a\)](#) shall state that any objection to the confirmation of the plan must be in writing and filed with the clerk, the trustee, debtor and debtor's attorney no later than seven (7) days prior to the time set for the confirmation hearing. If the hearing is set by the debtor with a plan filed and noticed after the petition is filed, the date of the confirmation hearing must be in compliance with 11 U.S.C. § 1324(b).

(3) Confirmation of plan without objection

Where no objection to confirmation of plan is filed within the time limits established by this rule, then a judge, without hearing, may enter an order confirming the plan.

(c) Amendment of plans

The proposed plan may be amended anytime prior to confirmation to resolve an objection. Such amendment must be included in an amended plan or in the order for confirmation. Where a timely objection has been made, the plan will not be confirmed until the objecting party has withdrawn such objection or a hearing is held or the parties reach an agreement as stipulated to in the order of confirmation. Where the amendment does not affect any other party in interest, a judge may confirm the plan as amended without notice or a hearing. Where the amendment would affect another party in

interest, the plan as amended must be mailed to each affected party with a notice providing twenty-one (21) days to object to the amendment. If no objection is made within the time allowed, a judge may confirm the plan as amended without a hearing.

(d) Unresolved Objections to Confirmation.

Where an objection to a proposed chapter 13 plan cannot be resolved by an amendment to the proposed plan, or where the trustee does not recommend confirmation, the court shall hold a confirmation hearing to resolve the objection, or the objecting party(s) and trustee have endorsed the confirmation order.

(e) Standard chapter 13 plan and order.

The debtor shall use the standard approved chapter 13 plan and order for this district with such alterations as may be appropriate in a particular case. If the debtor provides additions, deletions, or other modifications, the debtor shall provide at the beginning of the plan or order a notice that the chapter 13 plan or order contains deviations, and the deviations shall be clearly identified. If the debtor is represented by an attorney, the plan or any amended plan shall be signed by the attorney at the time it is filed and shall be signed by the debtor prior to the confirmation hearing. If the debtor is not represented by an attorney, the plan shall be signed by the debtor at the time it is filed. If either the plan or any amended plan is further amended and the amendments are contained in the order confirming the plan, the proposed order confirming the plan shall be signed by the debtor, the debtor's attorney, the trustee, and any other party in interest affected by the amendments.

RELATED AUTHORITY

11 U.S.C. §§ 1302, 1322, 1323, 1324, 1325
[Fed. R. Bankr. P.](#) 2002, 3015
Model Chapter 13 Plan

Advisory Committee Notes:

The process of confirmation as structured under this rule is designed to protect interests of objecting creditors, while allowing accelerated confirmation of plans and payment to creditors in the large majority of chapter 13 cases where there are no objections or where objections can be readily resolved. The notice and timing requirements under the Federal Rules of Bankruptcy Procedure make the accelerated confirmation process appropriate only in those cases where the plan is filed with the petition, and the clerk is able to issue notice. In all other cases, the debtor must file the plan within fourteen (14) days of the petition. See [Fed. R. Bankr. P.](#) 3015(b), and provide copies of the plan and notice of confirmation hearing to all creditors and parties in interest, in compliance with [Fed. R. Bankr. P.](#) 2002 and 3015, and these local rules.